

PUBLIC WORKS COMMITTEE REPORT
May 4, 2011 12:35 PM
City Council Chambers

Members Present: Jason Wiener (chair), Ed Childers, Dick Haines, Lyn Hellegaard, Bob Jaffe, Marilyn Marler, Renee Mitchell, Dave Strohmaier, Pam Walzer, Cynthia Wolken

Members Absent: Stacy Rye, Jon Wilkins,

Others Present: Bruce Bender, Steve King, Kevin Slovarp, Anne Guest, Doug Harby, Gregg Wood, Jolene Ellerton, John Hendrickson, Allyson Weller, Kathy Lathrop, Rod Austin, Janet Sproull, Scott Sproull, Tami Willard, Steven Chord, Barbara Theroux, Bob Marshal

I. ADMINISTRATIVE BUSINESS

- A. Approval of the minutes of – [April 21, 2011](#) Approved as submitted
[April 27, 2011](#) Approved as submitted
- B. Announcements –Gregg Wood, Project Coordinator, announced that construction work on 5th, 6th and Arthur Street Project would start Monday, May 16, 2011.
- C. Public Comment on Non-Agenda items –None

II. CONSENT AGENDA ITEMS

1. Confirm the appointment of Gregory Ragan to the Bicycle and Pedestrian Advisory Board completing a vacated term starting immediately and ending September 15, 2012. ([memo](#))—Regular Agenda (Mayor Engen) (Referred to committee: 05/02/11) (REMOVE FROM AGENDA)

Motion: The committee recommends the City Council approve the appointment of Gregory Ragan to the Bicycle and Pedestrian Advisory Board of a term starting immediately and ending September 15, 2012.

Mayor Engen requested the Public Works Committee confirm the appointment of Gregory Ragan to the Bicycle and Pedestrian Advisory Board.

Bob Jaffe made the motion to have the Public Works Committee approve the appointment of Gregory Ragan to the Bicycle and Pedestrian Advisory Board starting immediately and ending September 15, 2012.

The motion passed unanimously.

2. [Suspend the Rules] Approve an exception to MMC Chapter 9.30 Noise Control during construction of the Mullan Road Paving Project #11-0034. ([memo](#))—Regular Agenda (Doug Harby) (REMOVE FROM AGENDA)

Dave Strohmaier made the motion to suspend the Rules.
The motion passed unanimously.

Motion: The committee recommends the City Council approve suspension of MMC Chapter 9.30.040 Maximum Permissible Noise Levels for night time paving operations on Project 11-004 Mullan Road Paving.

Doug Harby, Project Manager, said the City Engineering Division and the contractor agreed that the overlay portion of the project would proceed much faster without traffic and this portion would be done at night. He asked the committee to approve suspension of MMC Chapter 9.30.040 Noise Control, for one night. There are no private residential properties nearby; there are some condos a few hundred feet away.

Ed Childers, asked about the Project Number being 11-003 in the Referral heading and 11-004 in the motion. Doug Harby said the correct Project number is 11-004 and asked that it be corrected.

Ed Childers made the motion to suspend MMC Chapter 9.30.040 Noise Control for night time paving operations on Project 11-004 Mullan Road Paving.

The motion passed unanimously.

3. Consider an ordinance revising provisions of Title 10 of Missoula Municipal Code related to parking. (memo) – Regular Agenda (Jason Wiener) (Referred to committee: 05/02/11) HELD IN COMMITTEE

Motion: The committee recommends the City Council to set a Public Hearing for June 6, 2011 to consider an ordinance amending Missoula Municipal Code (MMC) 10.22 Stopping, Standing and Parking; 10.33 Vehicle Removal; 10.50 Street Cleaning Regulations; and 10.54 Violations—Penalties.

Jason Wiener said the action item today would be to set a Public Hearing for June 6, 2011; there have been three Public Works Committee meetings with approximately four hours of discussion on this item. He would like to discuss the other proposed revisions to the ordinance today. With City Clerk, Marty Rehbein's assistance he developed a statement of different parking fine options that have been proposed and he would like for that to be completed before the Public Hearing.

Anne Guest, Director of the Missoula Parking Commission, explained the proposed revisions to the ordinances with the exceptions of those sections that pertain to the Public Works Department and the Police Department:

- Section 10.22.230
 - B. eliminates the term experimental.
 - C. enforced by the Parking Commission.
 - D. intent is to provide due process to anyone that receives a parking ticket

Bob Jaffe asked if there was a conflict between the portion that says the tickets will be managed administratively as a civil infraction and the part that says if the ticket isn't paid in a certain amount of time a warrant could be issued for their arrest.

Anne Guest said this language was approved by the City Attorney. Most situations are handled administratively and this allows us to continue the policy, however if there is a request for a formal complaint to be filed it could be. The particular wording Bob Jaffe was referring to was the Police Department section and Bob Jaffe suggested this part be removed from the ordinance.

- Section 10.22.240 is to facilitate the complicated work description a map has been inserted in this section. The jurisdiction has not changed.

Jason Wiener said a map had not been included, Anne Guest said she would check with Public Works. Pam Walzer said when the language was changed to be sure to include all references to the map.

- Section 10.22.260 B would be adjusted when there is a new parking fine structure; and a request for a ticket violation to be written every four hours giving them the ability to write two tickets per day.
- Section 10.22.290 the fine would need to be adjusted according to any changes in the parking fine structure.

Anne explained this would be one ticket in the morning and one ticket in the afternoon. Ed Childers said that would be a problem.

- Section 10.22.300
 - A. 2. Replace Federal with Legal Holiday
 - A. 5. Ten dollars replaced with 'determined by the Parking Commission', and beginning September 1st replaced with July 1st.

Ed Childers said his understanding is the fees must be set by the Council. Anne Guest said because they are an enterprise fund with the ability to issue bonds, it is the Parking Commission's responsibility to set their own fees to ensure they can meet the obligation of those bonds.

- A. 7. The fee for a mutilated or lost permit would be determined by the Parking Commission.

Ed Childers objected to the continue changes of his/her throughout the document. Jason Wiener said that issue could be worked out on the floor with an amendment.

- A. 12. The intent is to say permits cannot be transferred to another vehicle.

Bob Jaffe asked if he could make a procedural request that we not go over the language corrections to bring them up to modern terms but just policy changes.

- Section 10.24.040 C the intent of this refers back to Section 10.22.230 to allow due process.

Jason Wiener said concerning Section 10.24.050, the City has an ordinance that specifies which coinage is legal and while we are amending this ordinance it would seem appropriate to change this to match that wording.

Chapter 10.30 Loading and Unloading, Anne Guest said this chapter pertains more to Public Works Department, the Parking Commission is requesting Section 10.30.010 be repealed.

Anne Guest said this section was determined by Public Works and they regulated this section. Pam Walzer asked Public Works Department for clarification of this section.

Kevin Slovarp, City Engineer, said he is not familiar with this section, this is not the location that Public Works authorized for the use of back angle parking, Public Works changed that particular ordinance a couple of years ago.

Dave Strohmaier asked who wanted this language struck from the ordinance. Anne Guest said it was Marty Rehbein's determination to use the word repealed.

Chapter 10.33 Vehicle Removal

- Section 10.33.010 is adding verbiage to say 'or placed on the vehicle'.

Bob Jaffe said conceivably you could have six tickets in a few hours unpaid and your vehicle could be towed or immobilized, he would like language to include an amount of days. Anne Guest said this is to allow the Parking Commission to notify the driver or owner that they are eligible to be towed or booted. The language should be five tickets before action would be taken.

Chapter 10.50 Street Cleaning Regulations

Lyn Hellegaard has had complaints that when the Street Cleaning crews are working, the Public Works Department will tow cars around the block, clean the street and then tow them back, this costs the City about \$7,000.00 per year and there needs to be language included so the City can recoup that money.

Anne Guest said the Mayor at that time decided not to ticket and/or tow the vehicles. The Parking Commission did not issue the tickets and did not know where vehicles were being towed.

Steve King, Public Works Director, said Public Work's mission is to get the streets cleaned the most efficient and economical way possible. They have used both ticketing and not ticketing and by moving the cars without tickets is the most efficient way for staff and equipment to get the streets cleaned. That continues to be their recommendation.

Bob Jaffe said the language that allows the City to recover the cost is still in the ordinance. Several committee members said they are not sympathetic to violators because there are notices advising them of the time and date the streets will be cleaned.

Chapter 10.54.020 Violations – Penalties, pertains to the Police Department and the Parking Commission has not made those changes.

Pam Walzer asked if there is a No Parking sign and it is after business hours, what kind of remedies are there for those that park there? Anne Guest said the Police Department has jurisdiction and they can authorize the vehicle to be towed or ticketed.

- Section 10.54.140 fees would be adjusted according to the changes of the parking fine structures.
- The Effective Date to be changed from January 1, 2011 to January 1, 2012.

Jason Wiener said there was also an attachment explaining the [reset period](#).

Anne Guest said the Parking Commission would like to amend their option number two from a one year turnover to a six month rolling turnover.

Jason Wiener asked if anyone wanted to amend their [Parking Fine proposal](#). Renee Mitchell said she would like for her option number five to be removed.

Ed Childers asked what percentage of the first time tickets per day were for repeat offenders verses a first time offender. Anne Guest said she would try to find the numbers for that.

Pam Walzer asked to have her option number four be removed but keep option number three.

Renee Mitchell made the motion to recommend the City Council set a Public Hearing for June 6, 2011 to consider an ordinance amending Missoula Municipal Code (MMC) 10.22 Stopping, Standing and Parking; 10.33 Vehicle Removal; 10.50 Street Cleaning Regulations; and 10.54 Violations—Penalties.

Jason Wiener said he would make the changes to the spread sheet for Parking Fines Proposals and have it ready for Monday night Council Meeting.

Public Comment

Scott Sproull, owner of Hide and Sole, said it was important to go over his financial case for having an "oops" ticket that could pay for itself. He said merchants are also competing with internet purchases. He said approximately 60% to 70% get one ticket, 90% get four or less tickets per year. In his [handout](#) it says the Parking Commission would make money and the downtown businesses would make their customers happier. He asked the committee to consider the "oops" waiver.

Bob Marshal, owner of Bigga Pizza, said he is a repeat offender and he wanted to give his viewpoint on the parking issues. He is a member of many organizations and does a lot of volunteering and fund raising for many other organizations, he is also a downtown shopper. His customers not only patronize his business they also want to walk to other businesses and that takes more time than the meters allow. He is in favor of the tiered parking fine structure, but doesn't agree with the six month reset time. He would also favor an increase in the amount charged for the parking meters and/or longer times on the meters. Tickets are a dissuasion from parking downtown.

Cathy Lathrop, Administrative Service Manager for the Parking Commission, said people are getting a fine for disregarding a City ordinance because they aren't putting money in the meter and they are staying longer than two hours. They are getting a slap on the hand by giving them an "oops" ticket, this is a fine not a courtesy and there are other options for parking. She does not feel a \$2.00 fine would keep shoppers from coming downtown. She asked that they consider not adopting an "oops" ticket.

The motion was passed unanimously.

III. REGULAR AGENDA ITEMS

1.. Informational presentation on Accela automation permit and asset management systems upgrade. (memo)—Regular Agenda (Dan Jordan) (Referred to committee: 05/02/11) (REMOVE FROM AGENDA)

Bruce Bender, Chief Administrator Officer, gave an informal presentation on the Accela Automation Systems upgrade. The current system, Permits Plus, is housed by the City and is approximately ten years old, the new Accela system is web based and has more features. Some of the reasons to upgrade include a current ten year old system, the new recommended system would be internet based, a web site would give better contractor and citizen service, and we would have an asset management system. The application would reside at the State so the City would not have the related maintenance costs and the internal support. The technology of the current system is out of date and is being phased out by Accela. The new system is quite an investment for both the City and County it is almost a million dollars with an annual cost of approximately \$100,000.00. The details of the financial implications will be presented at the May 11th Public Works Meeting. The internet based system will allow access anywhere internet connections are made with on line permit applications, on line real time inspection results that can be checked by contractors on line, and other future potential applications. Next Tuesday May 10, 2011, at 9:00AM in the Council Chambers, Accela will present the complete detailed system to the committee and the public with a question and answer period included. This will be back in committee next week and Dan Jordan, GIS manger will have more details.

Bob Jaffe asked if there were any decisions the committee would need to make or is this a presentation of how this system will be.

Bruce Bender said a contract would be brought to the Public Works Committee for approval. It would be an agreement with the State and hopefully that agreement will be ready by the May 11th Public Works Committee meeting. The May 10th meeting is for informational purposes and no action would be taken at that time. The State would host the site and the City would use their servers and hardware, our data would be stored there. The biggest expenditure would be transferring the data from Permits Plus to the new Accela system. We would be paying for additional licenses and we would be paying the State a fee for housing the software.

Dick Haines said he would like to see an estimate of the difference in the cost by going with the State versus being on our own.

Ed Childers asked what the City is spending on the current system. Bruce Bender said Dan Jordan would have those details at the next Public Works Committee meeting.

2. Consider revisions to Missoula Municipal Code (MMC) 13.06 Industrial Wastewater, Missoula Municipal Code (MMC) 13.18 Wastewater Haulers, and a resolution revising the sewer use fee structure and increasing sanitary sewer rate. ([memo](#))—Regular Agenda (Sherri Kenyon) (Referred to committee: 05/02/11) **(HELD IN COMMITTEE)**
THIS ITEM NOT DISCUSSED
3. Update from the Parking Commission. ([me mo](#))([Parking Fines](#)) ([Policy Review](#)) ([Ltr: Iowa](#)) ([Ltr: Hensley](#)) ([Draft Parking Ordinance](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 03/07/11)**(HELD IN COMMITTEE)**
THIS ITEM NOT DISCUSSED

III. HELD AND ONGOING AGENDA ITEMS

1. Discussion on the sizes of grease interceptors for the restaurant industry ([Grease Interceptor PowerPoint](#)) ([memo](#)).—Regular Agenda (Stacy Rye and Bob Jaffe) (Referred to committee: 04/21/08)
2. Review infrastructure conditions at the locations of serious and fatal traffic accidents: 2007-2009 ([memo](#)).—Regular Agenda (Jason Wiener) (Referred to committee: 01/25/10)
3. T4 America partner support ([memo](#)) – Regular Agenda (Stacy Rye) (Referred to committee: (Referred to committee: 08/16/10)
4. Presentation from Public Works staff regarding proposed process for finding contractors and awarding bids for reconstruction of Russell Street. ([memo](#))—Regular Agenda (Bob Jaffe) (Referred to committee: 11/15/2010)
5. Resolution to change the speed limit on Reserve Street between Brooks and 39th Street. ([memo](#))—Regular Agenda (Wayne Gravatt) (Referred to committee: 01/24/11)
6. Confirm the reappointments of Carol Williams and Theresa Cox to the Missoula Parking Commission for a term commencing May 1, 2011 and ending April 30, 2015.
7. Consider an ordinance and emergency ordinance of the Missoula City Council amending Missoula Municipal Code Chapter 3.18 entitled Sewer Connection Expense Relief Loan Program. ([memo](#))—Regular Agenda (Kevin Slovarp) (Referred to committee: 04/18/11)
8. Approve the installation of an indoor shooting range at 1010 North Avenue per MMC 9-62.040. ([memo](#))—Regular Agenda (Doug Harby) (Referred to committee: 04/18/11).

III. ADJOURNMENT

The meeting adjourned at 2:04PM

Respectfully Submitted,
Peggy Diamond, Program Specialist
City Public Works Department